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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Rebecca Dunn

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AT&T Legal Department - TKHR

Attn: Patent Docketing

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EXAMINER

PAULS, JOHN A

ART UNIT

PAPER NUMBER

3686

MAIL DATE

DELIVERY MODE

11/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/680,793	Applicant(s) DUNN ET AL.	
	Examiner JOHN A. PAULS	Art Unit 3686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-17,19-23,26,27,29,30,46-55 and 57-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-17,19-23,26,27,29,30,46-55 and 57-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) ☒ Information Disclosure Statement(s) (PTO/SB/08) | 5) ☐ Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/17/2009</u> . | 6) ☐ Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in reply to the communication filed on 5 November, 2009.
2. Claims 1, 4 - 11, 13 - 17, 20, 26, 27, 46 and 55 have been amended.
3. Claims 2, 3, 18, 24, 25, 28, 31 - 45 and 56 have been cancelled.
4. Claims 1, 4 - 17, 19 - 23, 26, 27, 29, 30, 46 - 55 and 57 - 59 are currently pending and have been examined.

Continued Examination Under 37 CFR 1.114

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5 November, 2009 has been entered.

Information Disclosure Statement

6. The Information Disclosure Statement filed on 17 November, 2009 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

Claim Rejections - 35 USC § 112 1st

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1, 4—17, 19 – 23, 26, 27, 29 and 30 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for “broadcasting an offer of assistance to a plurality of employees”, does not reasonably provide enablement for “*broadcasting an offer of assistance from fellow members of the business environment to an employee*”. The claim limitation requires that two or more members of the business environment broadcast the offer. Examiner cannot determine how two or more members of the business environment can be involved in performing the broadcasting step.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
11. Claims 1, 4, 5, 8 - 17, 19 – 23, 26, 27, 29, 30, 46 – 55 and 57 – 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein (US PG PUB 2001/0021910 A1) and in further view of Schultz et al. (US PG PUB 2001/0032091 A1).

CLAIMS 1 and 46

Goldstein as shown discloses a system and method for delivering information to patients with the following limitations:

- *at least one electronic machine broadcasting an offer of assistance from fellow members of the business environment to an employee (current and retired) for managing a medical treatment over different communication channels of the business of an employer of the employee, the at least one electronic machine comprising at least one of a video monitoring system installed in a locale of the business environment, a web server hosting a private web site on an intranet of the business, and an email server providing email communications for the business; (see at least Goldstein paragraph 0018, 0020, 0022, 0023, 0046, 0054 and 0056);*
- *at least one electronic mailbox receiving a request for assistance in managing a medical treatment from the (current or retired) employee who is concerned with a medical condition, wherein the request is received at a business address for the at least one electronic mailbox comprising at least one of a business email address, a business telephone number, and a web address; (see at least Goldstein paragraph 0021, 0022, 0023 and 0046);*
- *utilizing at least one computer of the business environment to assist in managing the medical treatment for the medical condition, the at least one computer comprising at least one of a database to track a status of the assistance being provided and a server to*

produce medical resource guides in electronic form provided to persons receiving assistance; (see at least Goldstein paragraph 0020 and 0024);

- *a local information computer network provided within the business environment to disseminate information about the availability of services performed by the program to current and retired employees of the business environment, wherein the local information computer network comprises a video monitoring system to display video information to the active members; (see at least Goldstein paragraph 0020, 0022, 0023 0046, 0054 and 0056).*

Goldstein as shown discloses the limitations shown above. Goldstein may or may not specifically disclose the following limitations, however, Schultz does:

- *an offer of assistance to an employee (current or retired); (see at least Schultz 0014, 0017, 0026, 0040, 0058, 0075 and 0082);*
- *different communication channels of the business of an employer of the employee; (see at least Schultz 0014 and 0016 - 0019);*
- *a private web site on an intranet of the business; (see at least Schultz 0014 and 0016 - 0019);*
- *the person is employed in the business; (see at least Schultz 0014 and 0016 - 0019);*
- *a local information computer network provided within the business environment; (see at least Schultz 0014 and 0016 - 0019).*

Schultz discloses a system for providing intranet based programs, which includes private company networks communicating information to employees. Therefore, it would have been

obvious to one of ordinary skill in the art, at the time of the invention, to have modified the patient information system of Goldstein so as to have included private company networks communicating information to employees, in accordance with the teaching of Schultz, in order to meet the growing need of employers to retain and recruit current and prospective employees, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

The combination of Goldstein/Schultz may or may not specifically disclose that the offer is *broadcast from fellow members of the business environment*; however, Schultz does disclose that the offer for assistance is broadcast within a defined corporate community (paragraph 0018).

Since the broadcast is performed within a defined corporate community, it is inherent that fellow members of the business community would perform this step.

CLAIMS 4, 5, 8 – 12, 14, 16 – 17 and 29

The combination of Goldstein/Schultz discloses the limitations shown above relative to Claim 1.

Goldstein also discloses the following limitations:

- *providing a telephone number that the employee may dial to make a request for assistance*; (see at least Goldstein paragraph 0021, 0051 and 0055).
- *providing an email address that the employee may direct the request for assistance*; (see at least Goldstein paragraph 0053);
- *maintaining the identity of the employee confidential*; (see at least Goldstein paragraph 0024 and 0074);

- *requesting the employee to assess the assistance the employee received for program evaluation purposes; (see at least Goldstein paragraph 0092);*
- *monitoring the type of assistance being provided to the employee; (see at least Goldstein paragraph 0024, 0091 and 0092);*
- *acquiring utilization data with regard to the employee receiving the assistance; (see at least Goldstein paragraph 0024, 0091 and 0092);*
- *acquiring utilization data with regard to the type of medical condition that assistance is being provided; (see at least Goldstein paragraph 0024, 0091 and 0092).*

Examiner notes that Goldstein discloses control reports that include patient summaries.

The combination of Goldstein/Schultz as shown discloses the limitations shown above relative to

Claim 1. Additionally, Goldstein discloses following limitations:

- *a medical resources guide includes medical treatment information for the medical condition; (see at least Goldstein paragraph 0022 and 0079);*
- *personally assisting the employee in understanding the medical resources guide; (see at least Goldstein paragraph 0081);*
- *personally encouraging the employee to have active participation in his or her medical treatment; (see at least Goldstein paragraph 0064 and 0081);*
- *locating new medical information concerning the medical condition; (see at least Goldstein paragraph 0066 - 0068 and 0083);*
- *procuring the new medical information; (see at least Goldstein paragraph 0066 – 0068 and 0083);*

- *compiling the new medical information into a resource guide for the medical condition, wherein the resource guide includes the medical treatment information for the medical condition; (see at least Goldstein paragraph 0062, 0066 - 0068 and 0083).*

Examiner notes that Goldstein discloses that a representative gathers additional information for the patient based on issues and concerns.

CLAIM 19

The combination of Goldstein/Schultz as shown discloses the limitations above relative to Claim 16. Goldstein also discloses the following limitation:

- *persons within the business environment to help with assisting in managing a medical treatment of a medical condition; (see at least Goldstein paragraph 0020, 0022, 0023, 0024 0046, 0054 and 0056).*

Goldstein may or may not specifically disclose that the persons are volunteers recruited from within the business environment. However, Examiner takes **Official Notice** that recruiting volunteers in the workplace is old and well known in the arts, therefore it would be obvious to one of ordinary skill in the arts to modify the medical information system of Goldstein/Schultz with the **Official Notice** taken because recruiting volunteers to assist others with a medical condition would allow the cost of care to be reduced and since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

CLAIM 50

The combination of Goldstein/Schultz as shown discloses the limitations shown above relative to Claim 46. Goldstein also discloses the following limitation:

- *the information includes an invitation for employees to contact a representative of the program at an address for the electronic mailbox; (see at least Goldstein paragraph 0021, 0022, 0023 and 0046).*

The combination of Goldstein/Schultz may or may not specifically disclose that the employee wants to volunteer for the program. However Examiner takes **Official Notice** that it is old and well known in the arts for employees to volunteer for a variety of programs. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Goldstein/Schultz with the **Official Notice** taken because using volunteers allow programs to be implemented at a lower cost and since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

12. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein (US PG PUB 2001/0021910 A1) and in further view of Schultz et al. (US PG PUB 2001/0032091 A1) and in further view of DeGrosz et al. (US PG PUB 2002/0069090 A1).

CLAIMS 6 and 7

The combination of Goldstein/Schultz as shown discloses the limitations shown above relative to Claim 1. Goldstein discloses persons requesting medical information (see at least paragraph 0049). Goldstein may or may not specifically disclose the following limitations; however, DeGrosz does:

- *assistance is eligible to be offered to a person that is an employee and has been newly diagnosed with the medical condition; (see at least DeGrosz paragraph 0021 – 0024, 0033, 0035, 0069 – 0071 and Claim 31);*
- *assistance is eligible to be offered to a person that is an employee and has a family member that has been newly diagnosed with the medical condition; (see at least DeGrosz paragraph 0021 – 0024, 0033, 0035, 0069 – 0071 and Claim 31).*

DeGrosz discloses an insurance system that includes benefits eligible to employees, retirees and family members. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the patient information system of Goldstein/Schultz so as to have included benefits eligible to employees, retirees and family members, in accordance with the teaching of the DeGrosz, in order to meet the growing need of employers to retain and recruit current and prospective employees, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

13. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein (US PG PUB 2001/0021910 A1) and in further view of Schultz et al. (US PG PUB 2001/0032091 A1) and in further view of Morse et al. (US PG PUB 2002/0116225 A1).

CLAIM 13

The combination of Goldstein/Schultz as shown discloses the limitations above relative to Claim

1. Goldstein/Schultz may or may not disclose the following limitations per se, however Morse does:

- *discarding any information obtained about the employee after the assistance has been rendered;* (see at least Morse Claim 20).

Morse discloses a system for tracking and reporting patient outcomes which includes deleting patient information. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the patient information system of Goldstein/Schultz so as to have included deleting patient information, in accordance with the teaching of Morse, in order to reduce the storage capacity required for the database, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

14. Claims 15 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein (US PG PUB 2001/0021910 A1) and in further view of Schultz et al. (US PG PUB 2001/0032091 A1) and in further view of Schwartz et al. (US PG PUB 2002/0091538 A1).

CLAIMS 15 and 21

The combination of Goldstein/Schultz as shown discloses the limitations above relative to Claim

1. Goldstein also discloses the following limitations:

- *mailing the medical resources guide to the employee;* (see at least Goldstein paragraph 0051 and 0079);
- *confirming the receipt of the medical resources guide by the employee;* (see at least Goldstein paragraph 0081);

- *arranging a trained volunteer to personally assist the employee in understanding the medical resources guide material after the medical resources guide has been received; (see at least Goldstein paragraph 0081).*
- *training someone employed in the business in another capacity to provide personal assistance in understanding the medical resources guide for the medical condition to another; (see at least Goldstein paragraph 0072);*

The combination of Goldstein/Schultz discloses the limitations shown above. Goldstein/Schultz may or may not specifically disclose that the trained person is employed in the business in another capacity. However, Schwartz discloses recruiting volunteers from within the business. (see at least Schwartz paragraph 0008, 0015, 0028, 0031, 0044, 0048 and 0049).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the patient information system of Goldstein/Schultz so as to have included recruiting and training volunteers from within the business, in accordance with the teaching of Schwartz, in order to decrease administrative costs, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

CLAIMS 22, 23, 26 and 27

The combination of Goldstein/Schultz/Schwartz discloses the limitations shown above relative to Claim 21. Goldstein also discloses the following limitations:

- *assuring that the someone has prior personal experience with the medical condition; (see at least Goldstein Claim 41);*

- *the prior personal experience involves being personally diagnosed with the medical condition; (see at least Goldstein Claim 41);*
- *assuring that the someone is the same gender as the person concerned with the medical condition; (see at least Goldstein paragraph 0022);*
- *assuring that the someone is of the same general age as the person concerned with the medical condition; (see at least Goldstein paragraph 0022).*

Examiner notes that Goldstein discloses that information can be obtained from people who have similar demographic traits i.e. age and sex.

15. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein (US PG PUB 2001/0021910 A1) and in further view of Schultz et al. (US PG PUB 2001/0032091 A1) and in further view of White (US PG PUB 2002/0079142 A1).

CLAIM 20

The combination of Goldstein/Schultz as shown discloses the limitations above relative to Claim

1. Goldstein also discloses the following limitations:

- *personally assisting the employee in finding additional assistance from another party that provides assistance; (see at least Goldstein paragraph 0083);*

The combination of Goldstein/Schultz as shown discloses the limitations above.

Goldstein/Schultz may or may not disclose the following limitations per se, however White does:

- *provides assistance with regard to personal problems; (see at least White paragraph 0010).*

White discloses a dieting system which includes providing advice for personal problems.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the patient information system of Goldstein/Schultz so as to have included providing advice for personal problems, in accordance with the teaching of White, in order to give people encouragement in combating various health related issues, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

16. Claims 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein (US PG PUB 2001/0021910 A1) and in further view of Schultz et al. (US PG PUB 2001/0032091 A1) and in further view of Joao (US PG PUB 2001/0032099 A1).

CLAIM 30

The combination of Goldstein/Schultz as shown discloses the limitations above relative to Claim 29. Goldstein/Schultz may or may not disclose the following limitations per se, however Joao does:

- *updating, periodically, medical information within the resource guide; (see at least Joao paragraph 0053).*

Joao discloses a healthcare information system which includes updating information. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the patient information system of Goldstein/Schultz so as to have included updating information, in accordance with the teaching of Joao, in order to insure that patients receive the latest verified information available, since so doing could be performed readily and easily by any

person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

17. Claims 47 – 49, 51 - 55 and 57 – 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein (US PG PUB 2001/0021910 A1) and in further view of Schultz et al. (US PG PUB 2001/0032091 A1) and in further view of Belfiore et al. (US PG PUB 2002/0059425 A1).

CLAIMS 47 – 49, 51 – 55, 57 and 59

The combination of Goldstein/Schultz as shown discloses the limitations shown above relative to Claim 46. Goldstein/Schultz may or may not specifically disclose the following limitations, however, Belfiore does:

- *the electronic mailbox is a voice mailbox; (see at least Belfiore paragraph 0094);*
- *the electronic mailbox is an email mailbox; (see at least Belfiore paragraph 0143);*
- *the information includes a description of services provided by the program; (see at least Belfiore paragraph 0187);*
- *the information includes an invitation for employees who want assistance from the program to contact a representative of the program at an address for the electronic mailbox; (see at least Belfiore paragraph 0187 and 0199 to 0200)*
- *an Internet server to store a web site for the program, wherein the web site contains a description of services performed by the program; (see at least Belfiore paragraph 0185 and 0187);*

- *the web sites provides a mechanism for sending a message to a representative of the program; (see at least Belfiore paragraph 0143 and 0185);*
- *the web sites provides medical information; (see at least Belfiore paragraph 0185);*
- *a private messaging network that is utilized by the current employees; (see at least Belfiore paragraph 0113, 0199 to 0200).*
- *a community information network provided outside the business environment to disseminate additional information from the program to a retired employee of the business environment; (see at least Belfiore paragraph 0113);*
- *the additional information includes an invitation for retired employees who want assistance from the program to contact a representative of the program at an address for the electronic mailbox; (see at least Belfiore paragraph 0187 and 0199 to 0200).*

The combination of Goldstein/Schultz/Belfiore may or may not specifically disclose that *retired employees* may access the information system. However, Belfiore does disclose that the authentication system only allows authorized users to access the server.

Therefore it would be obvious to one of ordinary skill in the art at the time of the invention to modify the patient information system of Goldstein/Schultz/Belfiore so as to have provided that authorized user be retired employees, in order to insure that only authorized users have access to the system, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

CLAIM 58

The combination of Goldstein/Schultz/Belfiore as shown discloses the limitations shown above relative to Claim 57. Goldstein also discloses the following limitation:

- *the information includes an invitation for employees to contact a representative of the program at an address for the electronic mailbox; (see at least Goldstein paragraph 0021, 0022, 0023 and 0046);*
- *the additional information includes an invitation for retired employees to contact a representative of the program at an address for the electronic mailbox; (see at least Goldstein paragraph 0021, 0022, 0023 and 0046).*

The combination of Goldstein/Schultz/Belfiore may or may not specifically disclose that the employee or retiree wants to volunteer for the program. However Examiner takes **Official Notice** that it is old and well known in the arts for employees and retirees to volunteer for a variety of programs. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Goldstein/Schultz/Belfiore with the **Official Notice** taken because using volunteers allow programs to be implemented at a lower cost and since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Response to Arguments

Applicant's arguments filed 5 November, 2009 have been fully considered but they are not persuasive.

Applicant argues that the combination of Goldstein/Schultz does not disclose teach or suggest the limitations recited in Claim 1 and 46. In response to applicant's arguments against the

references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant argues that Goldstein is not directed to providing assistance in managing a medical treatment within a business; and that Schultz discloses that an employee is connected to a website outside of the employer's intranet (Schultz 0024, 0058-0059 and 0068). Examiner respectfully disagrees. Goldstein discloses in at least paragraph 0048 that the employer is connected in a real-time communication link. Schultz clearly recites an embodiment that includes an intranet (paragraph 0016) and a web based communications program "within a defined corporate community" (paragraph 0018). Furthermore Schultz in at least paragraph 0058 discloses "a closed intranet communications platform. Schultz in at least Paragraph 0068, as cited by the applicant, recites a link to a financial advisor web site as required to adhere to legislative and compliance requirements.

Applicant has traversed the Official Notice taken relative to Claims 6 – 7 and 19 and correctly states the requirement for doing so: "an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well known in the art". (MPEP § 2144.03) In the response dated 26 May, 2009 and in the remarks dated 5 November, 2009, applicant stated that the noticed facts were not cited by any reference. Applicant has not specifically stated that the noticed facts are in error, only that they are not contained in the cited references.

Additionally, the filing of an RCE does not eliminate the record or the findings of the actions prior to the RCE.

Nonetheless, in an effort to advance prosecution, Examiner has abandoned the Official Notice rejection relative to claims 6 and 7 as shown in the rejection above, without admitting that the noticed facts are in error.

With regard to the Official Notice rejection of Claim 19 applicant has requested documented support of the noticed facts. In response, Examiner submits the following references:

- US 6,269,339 B1 to Silver discloses a system for developing a wellness plan that includes a programs that supports a range of volunteer activities to improve employee wellness. (column 5 line 27 - 35).
- US 5,937,387 A to Summerell at al. discloses a system for developing a wellness plan that includes a programs that supports a range of volunteer activities to improve employee wellness. (column 5 line 19 - 27).
- US PGPUB 2003/0014300 A1 to Franco et al. discloses a system for managing charitable giving campaigns that includes a disclosure of the Combined Federal Campaign (CFC) and that United Way volunteers raised 3.77 billion dollars. (paragraph 0003).
- Additionally, Examiner has provided a series of web pages from the U.S. Office of Personnel Management disclosing that the CFC “is run by a volunteer group of Federal employees” (Combiner Federal Campaign – “Volunteering”); that the Federal Government encourages volunteer activities and has done so since at least 1974. (“Memorandum For Heads of Executive Departments and Agencies”); that the CFC has

issued awards for volunteer activities (CFC – 2003 CFC Heroes). Also see “Guidance on Scheduling Work and Granting Time Off to Permit Federal Employees to Participate in Volunteer Activities”.

- Furthermore, the Patient Advocate Foundation has sought members of its organization for Volunteer Chairpersons. (“The Patient Advocate’s Voice – Classifieds”).

In light of these disclosures, Examiner maintains the Official Notice in this rejection and notes that the same reasoning applies to the rejection of claims 50 and 58.

Conclusion

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **John A. Pauls** whose telephone number is **(571) 270-5557**. The Examiner can normally be reached on Monday to Friday 7:30 to 5:00 4/5/9. If attempts to reach the examiner by telephone are unsuccessful, the Examiner’s supervisor, **Jerry O’Connor** can be reached at **571.272.6787**. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks

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